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FEB 25 2005

In re Application of :
Stephen James Williams et al :
Application No. 09/622,650 :
Filed: January 18, 2001 :
Attorney Docket No. C36510/10472 :

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ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 20, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed January 30, 2004, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on May 1, 2004.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$950 extension of time submitted on August 2, 2004 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being forwarded to Technology Center AU 3727 for further processing.


Irvin Dingle
Petitions Examiner
Office of Petitions
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for Patent Examination Policy